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89TH CONGRESS
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SENATE

REPORT
No. 509

CAPE LOOKOUT NATIONAL SEASHORE

JULY 23, 1965.—Ordered to be printed

Mr. BIBLE, from the Committee on Interior and Insular Affairs,
submitted the following

REPORT

[To accompany S. 251]

The Committee on Interior and Insular Affairs, to whom was referred the bill (S. 251) to provide for the establishment of the Cape Lookout National Seashore in the State of North Carolina, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

AMENDMENTS

On page 3, line 1, substitute a period for the semicolon, delete the balance of the subsection and substitute therefor:

Land donated by the State of North Carolina pursuant to this subsection shall constitute consideration for the transfer by the United States of 1.5 acres of land that is to be used as a site for a public health facility in the village of Hatteras, Dare County, North Carolina, and such a transfer is hereby authorized.

On page 3, line 12, delete the words "not required for other Federal purposes."

On page 5, line 12, as a technical amendment, change the word "refund" to "refined".

On page 7, delete lines 4 and 5, substituting therefor "not to exceed \$3,200,000 for the acquisition and development of the seashore in accordance with the purposes of this Act."

DESCRIPTION OF THE AREA

The proposed national seashore area is comprised of that portion of the Outer Banks of North Carolina between Ocracoke Inlet on the north and Beaufort Inlet on the south. This portion of the Outer

Banks has a history closely connected to the sea, to the whaling industry, and to piracy and war. These barrier reefs are also considered by many to have provided a large degree of protection to the mainland from tidal forces engendered by hurricanes and severe storms.

Originally, the lower portions of the banks were heavily forested. The cutting of juniper and oak trees and heavy grazing left the area vulnerable to the action of wind and waves from heavy storms. The considerable damage incurred in the hurricanes of 1944, 1954, 1955, and 1958 brought about the realization that prompt protective measures were needed.

In 1959, the general assembly in North Carolina appropriated funds for surveys and land acquisition. The Army Corps of Engineers began a cooperative study culminating in recommendations for protective works to cost \$5,800,000. The State department of conservation and development did not wait for the final study recommendations before undertaking stabilization projects.

The State of North Carolina, continuing its fine tradition of cooperation in establishing national parks and recreation areas, plans to donate all except 2,700 acres of the 20,000 acres of land and marsh within the seashore. The 58 miles of ocean beach would augment the recreational development of the Outer Banks. The Cape Hatteras National Seashore, immediately to the north, served over 1 million visitors during 1964.

The Cape Lookout National Seashore would greatly increase the opportunities for water-based activities, such as swimming, fishing, boating, and waterfowl hunting, as well as land-based pursuits such as picnicking, camping, nature study, beachcombing, photography, and painting.

President Johnson, in his message to Congress on February 8, 1965, concerning the natural beauty of our country, stated, "It is true that we have often been careless with our natural bounty. At times we have paid a heavy price for this neglect. But once our people were aroused to the danger, we have acted to preserve our resources for the enrichment of our country and the enjoyment of future generations." He included, among the areas he proposed for acquisition, the Cape Lookout National Seashore in North Carolina.

Any owner of property which was developed and used for non-commercial residential purposes may reserve a right of use and occupancy of the residence for noncommercial residential purposes for his lifetime, his spouse's lifetime, or in lieu thereof, for a definite period not to exceed 25 years, as the owner elects.

FACT SHEET

Location: The Outer Banks of North Carolina between Ocracoke Inlet and Beaufort Inlet.

Area: 30,000 acres, of which approximately 20,000 acres are land and marsh, with the remaining 10,000 acres being water surface; has 58 miles of ocean beach.

Potential use: Located within 250 miles of a population exceeding 5 million. Cape Hatteras, immediately to the north, served over 1 million visitors in 1964. Major natural features: 58 miles of beach. Estimated acquisition cost: \$265,000.

Estimated 5-year development costs: \$2,910,000.

Estimated shore protection costs (Army Corps of Engineers): \$5,800,000.

Annual operation costs: From \$90,000 the first year to \$370,000 the fifth year.

Conveyance of 1.5 acres in the village of Hatteras, Dare County: 1.5 acres of land, under the jurisdiction of the Secretary of Interior, in the village of Hatteras, Dare County, not being needed for recreation or for administrative improvements, is to be conveyed for use as a site for a public health facility. The lands donated by the State of North Carolina for the Cape Lookout National Seashore, are deemed just consideration for this parcel.

DEPARTMENTAL REPORTS

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., April 22, 1965.

HON. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

DEAR SENATOR JACKSON: This responds to your request for the views of this Department on S. 251, a bill to provide for the establishment of the Cape Lookout National Seashore in the State of North Carolina, and for other purposes.

We recommend enactment of the bill with the amendments recommended herein.

The bill authorizes the establishment of a land and water area of approximately 30,000 acres on North Carolina's chain of outer banks, from Ocracoke Inlet on the north to Beaufort Inlet on the south and west, as a national seashore. We anticipate that all but approximately 2,700 acres of the area will be donated to the United States by the State of North Carolina, in keeping with the State's fine tradition of donating land for inclusion in national parks and seashores. The bill authorizes the Secretary of the Interior to purchase all areas that will not be donated by the State. With respect to the areas to be donated, there is no need for the Secretary to have such authority. The approximately 58 miles of ocean shore that will be included constitute one of the longest stretches of undeveloped ocean beach left along the entire eastern seaboard of the United States. Moreover, this area is within 250 airline miles of a population exceeding 5 million.

The proposed seashore clearly offers an exceptional opportunity for preservation of an outstanding segment of our shoreline that has great potential for outdoor recreational use and enjoyment. It has the scenic beauty inherent in a broad beach-water-skyscape. Perhaps more than other coastal areas in the United States, this stretch of shoreline is noted for its contrast from gently pleasant ocean waves quietly rolling upon the beach to the violent, awesome surf that crashes onto the beach and into the dunes during storms.

Within the seashore boundary, as depicted on the map referred to in the bill, are roughly 20,000 acres of land and marsh. As in the case of the nearby Cape Hatteras National Seashore boundary to the north, it follows the mean low waterline on the ocean side and includes the associated marshes and islands on the sound side as well as waters in

the sound beyond those marshes and islands to a distance of generally 150 feet from the mean low waterline of the land or marsh.

Recreational opportunities oriented to both water and land would be available; however, the major recreation resource of this area is water—the salt water of the ocean and sound. Water-based activities, such as swimming, fishing, waterfowl hunting, and boating are expected to be the dominant public recreational pursuits within the area. In addition to these activities, the lands within the seashore offer a base for picnicking, camping, nature study, beachcombing, photography, and painting, as well as wild areas where visitors could enjoy solitude.

The history of the lower banks, like the resources of the cape, primarily involves the sea. In the early 1700's the piratical activities of Captain Drummond, better known as "Blackbeard," and others curtailed shipping from the nearby ports and deterred settlement on the banks. Blackbeard's death in 1718 marked the end of large-scale piracy and paved the way for settlement. However, some 30 years later, Spanish privateers again harassed the lower banks. Subsequently, several forts were established on the lower banks, but none remain except possibly in the sand.

The lower banks, particularly Shackelford Banks, were originally heavily forested. Oak and juniper trees were cut to supply timber for shipbuilding in the Beaufort yards. Heavy grazing for horses, cattle, and sheep also has been practiced. The removal of natural vegetation through these activities has left the banks particularly vulnerable to storm damage and the less violent forces of erosion.

The boundary that would be established by S. 251 excludes from the national seashore a tract of about 250 acres located just north of Cape Lookout that contains a number of vacation residences and has been subdivided into multiple ownerships.

In view of the anticipated donation of lands of the Core Banks and Portsmouth Island by the State, the Secretary's authority to acquire by purchase and exchange is limited to Shackelford Banks and the administrative site on the mainland. The property of the Core Banks Gun Club, which is located on the sound side of the banks opposite Sealevel, N.C., may also be acquired by purchase or exchange if there is a change in ownership or if it ceases to be used for the purposes of hunting and fishing.

Owners of property, which on July 1, 1963, was developed and used for noncommercial residential purposes, will be permitted under the bill to reserve for themselves and their assigns, as a condition to the acquisition of such property by the Secretary, a right of use and occupancy of the residence and not in excess of 3 acres of land on which the residence is located for noncommercial residential purposes for a term ending at the death of the owner, or the death of his spouse, or in lieu thereof, for a definite term not to exceed 25 years. However, the Secretary may exclude from such reserved property any marsh, beach, or waters and lands necessary for public access thereto. The Secretary may accept donations of property in which such rights of use and occupancy have been retained. Any right of use and occupancy retained in lands donated or otherwise acquired for the seashore will be subject to termination by the Secretary upon a determination that the right was being exercised in a manner not consistent with the purposes of the act and upon tender of an amount equal to the fair

market value of the right remaining unexpired on the date of termination.

When title to lands which may be acquired by donation only (Core Banks and Portsmouth Island—to be donated by the State) is vested in the United States, the Secretary is required to declare the establishment of the seashore by publication of notice thereof in the Federal Register.

In the interest of sound management and economy of operations, section 2(e) provides for the location of the main park headquarters on the mainland, somewhere in the vicinity of Beaufort, N.C. It will include facilities for visitor use and administration of the area. Submaintenance areas and additional administrative facilities will be established on the island, as needed. We have identified a 40-acre site on the mainland which we believe will be suitable for the main headquarters. We estimate that the cost of acquiring this site will be about \$104,000.

Under section 6 of S. 251, the Chief of Engineers, Department of the Army, may undertake shore erosion control or beach protection measures on lands within the seashore but any such measures must be in accordance with a plan that is mutually acceptable to the Secretary of the Interior and the Secretary of the Army, and that is consistent with the purposes of the act establishing the seashore.

Creation of the national seashore has been recommended by the Advisory Board on National Parks, Historic Sites, Buildings, and Monuments. We have been advised that the Carteret County Board of Commissioners has officially endorsed the establishment of the proposed seashore. State support for the proposal is evidenced, of course, by the fact that North Carolina is willing to acquire and donate to the United States all lands proposed for acquisition within the seashore boundaries between Ocracoke Inlet and Cape Point and—if available State funds permit—a portion of Shackleford Banks. We estimate that the cost of acquiring 1,700 acres of land on Shackleford Banks will be approximately \$161,000.

Planned development of the seashore is expected to cost about \$2,908,700 during the first 5 years following establishment. This cost includes facilities for interpretation of the human and natural history of the area as well as those needed for public recreational uses and administration. We estimate that annual operating expenses will range from about \$90,000 in the first year after establishment of the area to about \$370,000 by the fifth year. The figures do not include the costs of shore erosion control or beach protection measures which will be necessary in any event to stabilize the banks. A study by the Corps of Engineers of erosion control measures is nearing completion. That agency has indicated that the preliminary estimate of the total cost for shore protection and erosion control is \$5,800,000, and that annual maintenance, including periodic nourishment, would be \$481,200.

We recommend the following amendments of the bill:

1. On page 5, line 12, as a technical amendment change the word "refund" to "refined".
2. On page 3, line 12, delete the words "not required for other Federal purposes". Inasmuch as lands under the administrative

jurisdiction of the Department are to be used to acquire lands that are more usable for other programs of the Department it should be unnecessary to canvass the needs of other Federal agencies.

The man-years and cost data statement required by the act of July 25, 1956 (70 Stat. 642a), is enclosed.

The Bureau of the Budget has advised that this legislative proposal is in accord with the President's program.

Sincerely yours,

JOHN A. CARVER, Jr.,
Under Secretary of the Interior.

DEPARTMENT OF THE INTERIOR

Subject matter: Proposed establishment of Cape Lookout National Seashore, N.C.

Estimated additional man-years of civilian employment and expenditures for the 1st 5 years of proposed new or expanded programs

ESTIMATED ADDITIONAL MAN-YEARS OF CIVILIAN EMPLOYMENT

	19CY	19CY+1	19CY+2	19CY+3	19CY+4
Executive direction:					
Superintendent.....	1	1	1	1	1
Administrative assistant.....	.75	1	1	1	1
Secretary.....		.5	1	1	1
Property and procurement assistant.....				.5	1
Clerk-stenographer.....	1.9	4	4	4	4
Total, executive direction.....	3.65	6.5	7	7.5	8
Substantive:					
Chief park ranger.....	.75	1	1	1	1
Park rangers.....	.75	1.5	4	5	7.5
Park rangers (seasonal).....		1	1.5	2	2.5
Chief park naturalist.....	.75	1	1	1	1
Park naturalist.....			1	1	1
Park naturalist (seasonal).....				.5	1.5
Foreman III.....		.75	1	1.5	2
Foreman II.....			.75	1	1
Operator-general.....		1	1	1.5	2
Maintenanceman.....	.75	1	1	1	1
Caretaker.....	.75	.75	2	1.5	2.5
Caretaker (seasonal).....	.5	1	1	1	3
Laborer.....	.5	1	1	1	1
Laborer (seasonal).....		1	1.5	2	3
Lifeguards (seasonal).....		1.25	2	2.25	2.5
Total, substantive.....	4.75	11.25	19.5	24.25	31.5
Total, estimated additional man-years of civilian employment.....	8.4	17.75	26.50	31.75	39.50

ESTIMATED ADDITIONAL EXPENDITURES

Personal services.....	\$67,000	\$105,800	\$146,000	\$192,000	\$271,000
All other.....	279,500	294,700	850,000	1,073,000	749,000
Total.....	346,500	400,500	996,000	1,265,000	1,020,000
Estimated obligations:					
Land and property acquisition.....	165,000	100,000			
Development.....	91,500	204,500	1,046,500	1,100,000	466,200
Operations (management, protection, and maintenance).....	90,000	146,000	200,000	265,000	370,000
Total.....	346,500	450,500	1,246,500	1,365,000	836,200

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., April 15, 1965.

HON. HENRY M. JACKSON,
*Chairman, Committee on Interior and Insular Affairs, U.S. Senate,
3106 New Senate Office Building, Washington, D.C.*

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Bureau of the Budget on S. 251, a bill to provide for the establishment of the Cape Lookout National Seashore in the State of North Carolina, and for other purposes.

The report which the Secretary of the Interior is submitting favors enactment of the bill as an exceptional opportunity to preserve an outstanding segment of shoreline for public recreational use. The scenic and historical characteristics of the area are described and several amendments are offered.

The Bureau of the Budget concurs in that report and the enactment of S. 251 would be in accord with the program of the President.

Sincerely yours,

PHILLIP S. HUGHES,
Assistant Director for Legislative Reference.

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Director, Office of the Secretary
 Department of Defense
 Washington, D. C.

Mr. Frank M. Jackson

Chairman, Committee on Labor and Human Resources

8105 New York Avenue, Room 3000

Dear Mr. Jackson: This is in response to your letter of 10/1/68, regarding the views of the Bureau of the Budget on the proposed legislation for the establishment of a new agency to coordinate the activities of the various Federal agencies in the area of labor and human resources.

The report which the Secretary of the Bureau of the Budget has submitted to the President on 10/1/68, contains an excellent summary of the views of the Bureau of the Budget on the proposed legislation. It also contains a number of suggestions for improvement of the legislation. The Bureau of the Budget is of the opinion that the proposed legislation is a good one, and that it should be passed as soon as possible.

The Bureau of the Budget is of the opinion that the proposed legislation is a good one, and that it should be passed as soon as possible.

Sincerely yours,

William F. Friedman

Assistant Secretary for Legislative Affairs